

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

<b>MELVIN WILMER DIAZ- CALDERON</b> , (Alien No. 088 975 365),  Petitioner,  v.  <b>WILLIAM P. BARR, in his official capacity as the Attorney General of the United States, et al.</b> ,  Respondents.	<b>2:20-CV-11235-TGB-APP</b>  <b>ORDER TEMPORARILY STAYING DEPORTATION</b>
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Petitioner Melvin Wilmer Diaz-Calderon filed a Verified Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and Complaint for Injunctive and Declaratory Relief (ECF No. 1), and an Emergency Motion for Temporary Restraining Order and Preliminary Injunction (ECF No. 2) late in the evening on May 18, 2020. In his Petition for Writ of Habeas Corpus and his Motion for Temporary Restraining Order, Petitioner states that Respondents notified counsel of its intent to immediately remove Petitioner from the United States on or soon after May 21, 2020. ECF No. 1, PageID.12. Petitioner argues that he cannot be removed from the United States because the United States Citizenship and Immigration Services (“USCIS”) granted his Special Immigrant

Juvenile Status (“SIJS”) Petition on March 6, 2020. ECF No. 1-7. He contends that based on his SIJS approval, he is deemed to have been paroled into the United States under 18 U.S.C. § 1255(h)(1) and is eligible to adjust status to lawful permanent residence as soon as a visa is available in accordance with 8 U.S.C. § 1255(a). ECF No. 1, PageID.11. *See also J.L. v. Cuccinelli*, No. 18-cv-04914-NC, 2020 U.S. Dist. LEXIS 26649 (N.D. Cal. Feb. 14, 2020).

Finding good cause to do so, the Court **ORDERS** that Petitioner’s deportation is **STAYED** while the Court considers the merits of Petitioner’s Motion. Respondents may move to vacate the stay upon a showing of good cause.

Petitioner is **ORDERED** to immediately notify Respondents of this Order and to serve Respondents with the Petition for Writ of Habeas Corpus, Emergency Motion for Temporary Restraining Order, and a copy of this Order in the manner most likely to effect notice. Additionally, Respondents are **ORDERED** to respond to Petitioner’s Motion (ECF No. 2) by Tuesday, May 26, 2020. Any reply by Petitioner is due by Thursday, May 28, 2020.

DATED: May 19, 2020.

BY THE COURT:

/s/Terrence G. Berg

TERRENCE G. BERG

United States District Judge